

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF TEXAS**

Austin Division

UNITED STATES OF AMERICA

CASE NO. 1:11-MJ-823

v.

**FREDERIC ALAN GLADLE,
a/k/a Walter Fred Boyd,
a/k/a Larry Stauffer,
a/k/a Jake Meneffe**

Defendant.

MOTION TO TRANSFER THE DEFENDANT PURSUANT RULE 5(c)(3)(D)

The United States of America, by and through its attorneys, Denis McInerney, Chief of Fraud Section, Criminal Division, U.S. Department of Justice, and Paul Rosen, Trial Attorney, respectfully move this Honorable Court to enter an order transferring the defendant FREDERIC ALAN GLADLE to the Central District of California pending further proceedings before the Grand Jury.

1. The Defendant was arrested on October 19, 2011, pursuant to a complaint and arrest warrant filed in the Central District of California charging one count of mail fraud, in violation of Title 18, United States Code, Section 1341. The Defendant, represented by his counsel, Joseph Turner, appeared on the same day at his initial appearance in this Court. Pursuant to Rule 5 of the Federal Rules of Criminal Procedure, an identity and detention hearing was held on October 21, 2011.

2. At the combined identity and detention hearing on October 21, 2011, where the Defendant was again represented by Mr. Turner, the Defendant executed a written and oral waiver of his right to an identity, detention, and preliminary hearing, without prejudice to raise the issue of detention again upon his transfer to the Central District of California.

3. The Speedy Trial Act, Title 18, United States Code, Section 3161(b), requires that the Defendant be charged by indictment or information within 30 days from date the individual was arrested, absent any excludable time pursuant to 18 U.S.C. § 3161(h) or otherwise.

4. The parties agreed and stipulated, and the court subsequently ordered, that the Speedy Trial Act be waived and the time to indict this case be tolled for an additional 30 days. *See* 18 U.S.C. § 3161(h)(7)(A).

5. During this time the defendant, through his counsel, has been in discussions with the government related to a Rule 20 transfer and related plea discussion in this matter.

6. On November 23, 2011, the Government transmitted to the defendant, through his counsel, a written plea offer. The plea offer expired on December 1, 2011, without acceptance by the defendant.

7. Pursuant to the terms of Rule 20, such a transfer is only available when all parties agree, that is, the defendant and the United States Attorneys in both the district where there defendant was charged and where he was arrested.

8. Given the approaching deadline to indict this matter, and the parties' current inability to reach a plea agreement, the Government respectfully submits that the Defendant be transferred and committed to the Central District of California for further proceedings.

Respectfully submitted,

ROBERT PITMAN
UNITED STATES ATTORNEY
Western District of Texas

DENIS McINERNEY
Chief
Fraud Section, Criminal Division
U.S. Department of Justice

By: _____/s/_____
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ORDER

Upon the motion of the United States for an order transferring the defendant to the Central District of California, where he is charged in this matter by criminal information; it is hereby,

ORDERED that the defendant, FREDERIC ALAN GLADLE, having been charged in the Central District of California and arrested in the Western District of Texas, pursuant to the provisions of Rule 5, Federal Rules of Criminal Procedure, shall hereby be transferred to the Central District of California for further proceedings in this matter.

The Honorable Andrew W. Austin
United States Magistrate Judge

Date: _____
Austin, Texas

CERTIFICATE OF SERVICE

I hereby certify that on the 2nd day of December, 2011, I electronically filed the foregoing with the Clerk of Court using the CM/ECF, which will then send a notification of such filing (NEF) to the following:

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